

TO: ALL SHERIFF'S OFFICE PERSONNEL

FROM: SHERIFF DEESE

DATE: April 1, 2006

SUBJECT: SECTION 16.08 – FAMILY VIOLENCE INCIDENTS

A. PURPOSE: This policy establishes guidelines for responding to, managing, and reporting family violence incidents.

B. EFFECTIVE DATE: JULY 1, 2007

C. REVIEW DATE: No later than one year from effective date and bi-annually thereafter. Enter date on first line and initials on second line below for each annual review.

D. IMPLEMENTATION INSTRUCTIONS:

Division Commanders will ensure each assigned employee is familiar with the contents of this policy section. Each employee will maintain a copy of this policy in his or her issued manual.

E. REFERENCE:

**PEACH COUNTY SHERIFF'S OFFICE
POLICY SECTION 16.08
FAMILY VIOLENCE INCIDENTS**

I. PURPOSE

It is the policy of the Department to fully investigate and accurately report family violence complaints brought to the attention of the Department, to arrest offenders where lawful and appropriate, to provide protection and assistance to victims of family violence, and to inform involved parties of the various services that may be available to them within the criminal justice system, from social service departments and other community resources.

II. DEFINITION

The use of the term "family violence" in this policy is defined in **OCGA 19-13-1**.

III. RESPONDING TO A FAMILY VIOLENCE INCIDENT

A. Communication

1. Upon receipt of a call for service, the communications officer should determine as quickly as possible whether or not the call concerns an incident of family violence. If so, the communications officer should get as much information as possible from the complainant (e.g., injuries, weapons involved, whether minor children are present/involved, the exact location, whereabouts of perpetrator and other relevant information).

NOTE: If a call for service is received by someone other than law enforcement and then transferred to the Department or if an untimely report is received by the Department, the officer receiving the call should immediately contact his/her supervisor. The supervisor shall then cause an investigation as described below to be conducted.

2. Once the information has been received, the communications officer shall immediately designate one primary unit and whenever possible, a backup unit. The responding officers shall be provided with all available information by the communications officer upon initial dispatch. Each officer shall approach family complaints with caution and discretion.
3. The communications officer shall notify a supervisor whenever the incoming call involves violence or a threat to life and/or bodily harm (i.e., weapon involved). The officer will call a supervisor to the scene if after arriving; the officer(s) find these conditions. When possible, supervisors should monitor the radio traffic involving the family violence complaint and proceed to the scene of the incident to assist the officer(s) as necessary.

B. Patrol

1. When dispatched, officers should respond immediately to the location. If the officer finds the disturbance to be in progress, he/she should notify the communications officer about the following: location of the problem, nature of the disturbance, and the necessity of a back-up unit and/or supervisor. If the disturbance is not in progress, the officer should immediately attempt to contact the complainant and proceed with the investigation.
2. Officers responding to family violence complaints will coordinate their arrival at the scene without delaying the response time. Upon arrival at the scene of family violence, the responding

officers will advise the communications officer of the location of the complainant if different from the original dispatch location. Officers should park their vehicles in a readily accessible position. The vehicles should be locked and secured.

3. If the disturbance is at a private residence, the officers should attempt to contact the complainant before proceeding further. Officers should not enter a private residence except on the direct invitation of the owner or resident, unless probable cause exists to make an arrest or a confrontation is in progress.

NOTE: Officers should make every effort to speak to every occupant of the residence before leaving.

4. Once the officer(s) has entered the residence, they should prudently attempt to separate the parties in conflict and calmly listen to each person to determine the cause of the conflict and to gather additional information (e.g., who was the primary aggressor).
5. Officer(s) should avoid "taking sides" with either party in the dispute. These family violence complaints should be handled as criminal incidents. Reconciliation or divorce should never be suggested or discussed with the parties involved. Officers should be prepared to offer referrals to the victim concerning the location of shelters, victim witness assistance programs, counseling, etc.

NOTE: The existence of probable cause and the elements of a crime shall be the sole factors that determine the proper method of handling the incident. Factors that should not influence the officer's course of action in family violence include: the relationship or marital status of the suspect and the victim; sexual orientation; speculation that the complainant may not follow through with the criminal justice process or that the arrest may not lead to a conviction; the complainant's history or prior complaint; whether or not the suspect lives on the premises with the complainant; the complainant's emotional state; injuries that are not visible; verbal assurances that the violence will cease; the location of the incident, (i.e., public or private); the potential financial consequence of arrest; or the lack of a temporary restraining order or other protective orders.

6. An arrest should be made in the event there is probable cause to believe that a felony has occurred. All suspects arrested should be taken into custody. If an officer has probable cause to believe that a felony has occurred, an arrest should be made.
7. Suspects should be arrested in the event that a misdemeanor family violence incident occurs in the officer's presence, or if the officer has probable cause to believe that an act of family violence has been committed. Such situations include, but are not limited to: an officer who witnesses an act of family violence, a violation of a restraining order, or illegal possession of a weapon.
8. In the event the officer does not have the probable cause or necessary evidence to make an arrest, he/she shall make a good faith effort to inform the complainant of his/her rights to appear before a magistrate to seek a warrant for arrest. When possible, such discussion should be held out of the presence of the suspect. An officer should not encourage nor dissuade complainants from attempting to obtain a warrant from a magistrate.

C. Investigation of Family Violence Cases

Officers arriving at a family violence scene should conduct a thorough investigation and submit objective reports of all incidents of violence and all crimes related to family violence. The Family Violence Reporting form should be completed and processed in accordance with **OCGA 17-4-20.1**.

1. Arrival at Scene

- a. Determine location and condition of victim and suspect;
- b. Determine if any weapon(s) are involved or within the home;
- c. Provide appropriate level of aid to injured parties;
- d. Separate suspect, victim and witness (victim should be out of suspect's view); and
- e. Take photographs of the victim, suspect, and scene.

NOTE: When possible, follow-up photographs should be made for injuries that will become more noticeable over time (i.e., bruises).

2. Preliminary Investigation

- a. Interview everyone separately - victim, suspect, children, other witnesses;
- b. Ask victim and suspect if they have pain even if there are no visible injuries;
- c. Document victim's and suspect's condition. For example, torn clothing, disheveled appearance, evidence of injury, and disarray in house;
- d. Document size relation of victim and suspect, keeping in mind that larger is not always stronger;
- e. Determine which of the parties involved was the primary aggressor, by investigating the following:
 - 1) Did one of the parties appear to be in actual fear of the other?
 - 2) Did one party escalate the level of violence (e.g., did a man react to a slap by striking the woman several times?).
 - 3) Was a party physically larger and/or stronger than the other? (See item d. above.)

- 4) Does relevant documented history include the following?
 - physical violence;
 - sexual violence;
 - destruction of personal property;
 - harm to pet; and
 - violence against others.
 - 5) Which of the parties has been documented as the aggressor in previous situations?
 - 6) Did any injuries appear to be defense wounds?
- f. If victim has a restraining order or temporary protective order against suspect, obtain a copy of the order and valid proof of service. If not, inform victim how to get an order.
- g. If victim has a restraining order or other protective order that has not yet been served on suspect, inform the suspect of the order and note in the report that this was done. The officer should also enforce the applicable provisions of the order (e.g., "stay away" provisions). If victim has an extra copy of the order and the suspect has not been served with a copy of the order, the officer should serve the extra copy on the suspect and fill out proof of service.
- h. If a suspect is taken into custody:
- 1) Advise suspect of Miranda rights;
 - 2) Take statements if and when Miranda is waived;
 - 3) Document spontaneous voluntary statements; and
 - 4) Prevent communications between suspect and victim / witnesses.
- I. Evidence gathering should include:
- 1) Document condition of crime scene (disarray of physical surroundings);
 - 2) Photograph crime scene, if applicable;

- 3) Ensure that victim's/suspect's injuries are photographed; and
 - 4) Impound and/or photograph weapons and other evidence of the crime.
- j. Medical treatment investigation should include:
- 1) Obtain authorization for release of medical records from victim, if possible;
 - 2) Document extent of injuries/treatment if known;
 - 3) Obtain names, addresses and phone numbers of fire, ambulance or paramedic personnel treating the victim.
- k. In making a permanent record of the incident and subsequent investigation, the following should be included as part of the reporting procedure:
- 1) Maintain objectivity in reporting - avoid personal opinions regarding comments from victim/suspect;
 - 2) Ensure that elements of all involved crimes are included in the report;
 - 3) Document any injuries victim/suspect has sustained;
 - 4) Document past history of violence;
 - 5) Document statements of victim, suspect and all witness;
 - 6) Document physical evidence obtained; and
 - 7) Document probation/parole status.
- l. Officers should not advise victims of family violence that they can "press" charges or "drop" charges. If a victim spontaneously states that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney or Solicitor. Again, victims should be given information regarding the availability and location of shelters, victim/witness assistance programs, etc.

NOTE: Officers should refrain from giving opinions and use discretion regarding the information and statements made to or about victims.

D. Follow-up Investigation

1. All family violence reports prepared by officers should be reviewed and given follow-up investigation as needed. Whenever possible, review should be conducted by officers with family violence training.
2. Follow-up investigations should be geared to the requirements of the prosecuting office's family violence unit' or the particular prosecutor handling the case.